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CONSTITUTIONAL LAW—STATUTORY DEFINITION OF PUBLIC NUISANCE—INJUNCTION AGAINST MAINTENANCE.—PEOPLE EX REL. THRASHER V. SMITH ET AL. (1916) 114 N. E. (ILL.) 31.—Illinois Laws (1915) p. 371 enacted that all buildings and the fixtures and movable contents thereof used for purposes of assignation or prostitution are public nuisances; that the maintenance thereof may be enjoined; that the court may order that the premises be kept closed by the sheriff for one year (unless security be given to abate the nuisance); that the sheriff may remove all fixtures and movable property, sell them, and after payment of costs pay over the proceeds to the owner. *Held,* that the statute was valid, and proceedings under this act was not a deprivation of property without due process of law.

The police power is universally conceded to include everything essential to the public safety, health and morals, and to justify the destruction or abatement, by summary proceedings, of whatever may be regarded as a public nuisance. *Lawton v. Steel* (1894) 152 U. S. 133. No vested or constitutional right exists to use, or allow the use of property for purposes injurious to either public health or morals. *State v. New England Furniture, etc., Co. et al.* (1914) 126 Minn. 78. Every owner of property holds title thereto subject to the authority of the state so to regulate its use and enjoyment as to prevent and abate public nuisances, and the enforcement of that authority works no legal wrong. *City of Waterloo v. Waterloo, etc., R. Co.* (1910) 149 Ia. 129. The interference by the state, however, must be confined to the prohibition of the wrongful use. Where the nuisance consists not in the building itself, but in the use to which it is put, the building cannot be destroyed. *Welch v. Stowell* (1846) 2 Doug. (Mich.) 332. Statutes similar to the one in the principal case have been enacted in other jurisdictions, and their constitutionality uphold. *State v. Fanning* (1914) 96 Neb. 123; *State v. Jerome* (1914) 80 Wash. 261; *State v. Ryder* (1914) 126 Minn. 95. It seems then that the act in its remedial details as well as its general purpose, was a proper exercise of the police power under the test that a police measure must fairly tend to accomplish the purpose of its enactment, and must not go beyond the reasonable demands of the occasion.

E. J. M.

COPYRIGHT—MUSICAL COMPOSITION—INFRINGEMENT—PERFORMANCE FOR PROFIT.—HERBERT V. SHANLEY CO. (JAN. 22, 1917) 242 U. S. 591, 37 SUP. CT. REP. 232.—The plaintiff was the owner of a copyrighted musical composition which the defendant caused to be sung in his public dining-room. No admission fee was charged. The plaintiff sought an injunction on the ground that this act of the defendant infringed the exclusive right of the plaintiff to perform the work publicly for profit under the Copyright Act of March 4, 1909 (35 U. S. St. 1075). *Held,* that this was an infringement of plaintiff's rights under the copyright.

The only case directly in point is that of *Sarpy v. Holland* (1909) 99 L. T. 317. This case on a similar set of facts decided that an entertainment like that in the principal case was a performance for profit, and